



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary

November 23, 2004

Ms. Diana M. Jagiella
Howard & Howard Attorneys, P.C.
One Technology Plaza
211 Fulton Street Suite 600
Peoria, Illinois 61602-1350

Subject: Regulation Pertaining to Coal Ash Survey

Dear Ms. Jagiella,

In response to your letter dated November 17, 2004 to Jim Barber, *Regulations Pertaining to Coal Ash*, the following changes/additions should be made to the State of North Carolina's regulatory position.

1. The TCLP analysis needed to comply with the **structural fill** application should be for each **source** of coal combustion byproduct, not for each type per the 2000 survey.
2. Contacts at this agency, the NC Dept of Environment and Natural Resources, Division of Waste Management, Solid Waste Section, are Jim Barber or Ellen Lorscheider
phone 919-733-0692 extensions 255 or 345; fax 919-733-4810;
email: jim.barber@ncmail.net or ellen.lorscheider@ncmail.net;
website: <http://wastenot.enr.state.nc.us/>.
3. NCAC 15A Section .1700 rules which were referred to in the 2000 survey are presently being assessed by the Solid Waste Section. There is known contamination in the groundwater under/surrounding coal ash structural fill site(s) in North Carolina. A determination will be made in the near future as to the necessity for additional or new rules regarding the placement of coal combustion byproducts in structural fills.

Please contact me if I may be of further assistance.

Sincerely,

Ellen Lorscheider
Permitting Hydrogeologist

Cc: Jim Barber

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